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DINNER

BY THE

PHILADELPHIA BAR

TO THE

HON. JAMES THOMPSON

ON HIS

RETIREMENT FROM THE BENCH

GIVEN

AT THE CONTINENTAL HOTEL PHILADELPHIA

DECEMBER 19 1872



*PRINTED FOR THE BAR*  
*AT THE OFFICE OF THE LEGAL INTELLIGENCER*  
PHILADELPHIA 1873

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## CORRESPONDENCE

BETWEEN MEMBERS OF THE BAR OF PHILADELPHIA AND  
CHIEF JUSTICE THOMPSON.

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PHILADELPHIA, October 26, 1872.

TO HONORABLE JAMES THOMPSON:

DEAR SIR:

The members of the Bar of Philadelphia, on your retirement from the seat of Chief Justice of the Supreme Court of the State, a position which you have with satisfaction filled, desire to have the pleasure of meeting you, with a view to the expression of their high estimate of your worth and services as a judge, your abilities as a jurist, your sterling integrity and impartiality upon all occasions, your uniform courtesy, and more than all, to assure you that you carry with you the friendship and good wishes of all whose professional duties have brought them in contact with you.

We have considered the manner in which this shall be done, and have concluded to ask you to meet us at a dinner, to be given at such time and place as may hereafter be designated.

Very respectfully yours,

WILLIAM M. MEREDITH,  
PETER MCCALL,

BENJ. HARRIS BREWSTER,  
WILLIAM L. HIRST,

GEORGE W. BIDDLE,  
JAMES PAGE,  
THEODORE CUYLER,  
GEORGE W. WOODWARD,  
ASA I. FISH,  
ELI K. PRICE,  
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CHARLES H. T. COLLIS,  
DAVID W. SELLERS,  
M. HAMPTON TODD,  
LEWIS C. CASSIDY,  
CHARLES GILPIN,  
GEORGE W. DEDRICK,  
JOHN COCHRAN,  
THOMAS R. ELCOCK,  
WILLIAM W. JUYENAL,  
JOSEPH I. DORAN,  
SAMUEL B. HUEY,  
CHARLES E. MORGAN, JR.,  
JOSEPH C. FERGUSON,  
ARTHUR M. BURTON,  
HENRY J. MCCARTHY,  
GEORGE H. EARLE,  
SAMUEL HOOD,  
GEORGE L. CRAWFORD,  
SAMUEL H. PERKINS,  
WILLIAM B. MANN,  
JOSEPH T. PRATT,

CHRISTIAN KNEASS,  
R. M. CADWALLADER,  
RICHARD L. ASHHURST,  
HENRY FLANDERS,  
WILLIAM E. LITTLETON,  
ROBERT H. MCGRATH,  
VICTOR GUILLOU,  
S. DAVIS PAGE,  
GEORGE T. BISPHAM,  
JOSEPH M. PILE,  
JOSEPH B. TOWNSEND,  
WILLIAM ERNST,  
JOHN B. THAYER,  
JOHN J. RIDGWAY, JR.,  
J. PARKER NORRIS,  
HENRY WHARTON,  
WILLIAM H. STAAKE,  
JOHN H. SLOAN,  
GEORGE NORTHROP,  
S. S. HOLLINGSWORTH,  
BENJAMIN L. TEMPLE,  
J. DUROSS O'BRYAN,  
GEORGE BIDDLE,  
JAMES B. RONEY,  
R. RUNDLE SMITH,  
HARRY G. CLAY,  
CHARLES H. GROSS,  
J. ROSS SNOWDEN,  
LEONARD R. FLETCHER,  
WALTER B. MITCHELL,  
MORTON P. HENRY,  
JAMES W. PAUL,  
CHARLES H. JONES,  
JOHN K. FINDLAY,

P. PEMBERTON MORRIS,  
GEORGE SERGEANT,  
ALEXANDER D. CAMPBELL,  
THOMAS HART, JR.,  
GEORGE S. WEST,  
EDWARD HOPPER,  
WILLIAM C. HANNIS,  
JOSEPH PARRISH,  
SAMUEL DICKSON,  
B. FRANKLIN FISHER,  
ROBERT P. DECHERT,  
HENRY E. WALLACE,  
FREDERICK M. ADAMS,  
JAMES W. LATTI,  
EDWARD H. WEIL,  
WILLIAM B. ROBINS,  
JACOB THOMAS,  
SAMUEL WAKELING,  
M. J. MITCHESON,  
ANSON V. PARSONS,  
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JOHN R. READ,  
SILAS W. PETTIT,  
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CHAPMAN BIDDLE,  
GUSTAVUS REMAK,  
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JOHN G. JOHNSON,

DAVID WEBSTER,  
CHARLES S. PANCOAST,  
THOMAS J. CLAYTON,  
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AARON THOMPSON,  
JAMES B. ENGLAND,  
HENRY R. EDMUNDS,  
JOHN W. PATTON,  
ISAAC S. SHARP,  
WILLIAM H. YERKES,  
J. DAVIS DUFFIELD,  
CHARLES P. CLARKE,  
H. RYLAND WARRINER,  
JAMES OTTERSON,  
JOHN CADWALLADER, JR.,  
JOHN CLAYTON,  
J. ALFRED KAY,  
SAMUEL WETHERILL,  
ALEX. K. MCCLURE,  
ELISHA W. DAVIS,  
THOMAS J. DIEHL,  
J. WARREN COULSTON,  
JOHN M. THOMAS,  
T. BRADFORD DWIGHT,  
CHARLES CHAUNCEY,  
THOMAS J. WORRELL,  
WILLIAM H. RUDDIMAN,  
E. COOPER SHAPLEY,  
NATHAN H. SHARPLESS,

WILLIAM D. WETHERILL,  
WILLIAM J. McELROY,  
FURMAN SHEPPARD,  
EDWIN T. CHASE,  
WILLIAM McCANDLESS,  
ROBERT M. LOGAN,  
MICHAEL ARNOLD, JR.,  
WILLIAM F. JOHNSON,  
JAMES H. CAMPBELL,  
W. HEYWARD DRAYTON,  
GEORGE M. DALLAS,  
GEORGE SHARSWOOD, JR.,  
P. T. RANSFORD,  
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ROBERT E. BROWN,  
FRANK M. ETTING,  
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J. ELDON SALTER,  
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WALTER D. COMEY,  
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RICHARD VAUX,  
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FRANKLIN B. GOWEN,  
EDWARD R. WORRELL,  
ROBERT E. RANDALL,  
JOHN C. KNOX, JR.,  
WILLIAM W. LEDYARD,  
THEODORE F. JENKINS,  
JAMES DUVAL RODNEY,

JOHN A. CLARK,  
JOHN ROBERTS,  
SAMUEL F. FLOOD,  
LUDOVIC C. CLEEMAN,  
ELIAS L. BOUDINOT,  
J. SERGEANT PRICE,  
CHARLES D. FREEMAN,  
JOHN H. EDWARDS,  
CHARLES HART,  
F. CARROLL BREWSTER,  
F. CARROLL BREWSTER, JR.,  
WILLIAM T. ALDRICH,  
HENRY C. TERRY,  
J. AUSTIN SPENCER,  
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CHARLES H. DOWNING,  
GEORGE M. CONARROE,  
RICHARD LUDLOW,  
CADWALADER BIDDLE,  
LEWIS STOVER,  
WILLIAM W. WILTBANK,  
CHAPMAN FREEMAN,  
HENRY ARMITT BROWN,  
JOHN E. SHAW,  
ISAAC NORRIS,  
THOMAS J. BARGER,  
JEROME CARTY,  
FRANK WOLFE,  
JOHN K. VALENTINE,  
WILLIAM WARD,  
J. M. POWER WALLACE,  
ROBERT P. KANE,  
A. HALLER GROSS,  
HORATIO G. JONES,

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EDWARD INGERSOLL,	JOHN P. O'NEILL,
CHARLES INGERSOLL,	JOHN FALLON,
CHARLES S. KEYSER,	WILLIAM McMICHAEL,
WILLIAM A. MANDERSON,	WILLIAM A. INGHAM,
MORTON McMICHAEL,	S. EDWIN MAGARGEE,
CHARLES E. MORRIS,	J. COOKE LONGSTRETH,
ERASTUS POULSON,	CHARLES T. BONSALE,
C. STUART PATTERSON,	WALTER J. BUDD,
JOHN C. REDHEFFER,	JEREMIAH S. BLACK,
J. D. SERGEANT,	FRANK C. BRIGHTLY,
A. LEWIS SMITH,	BRINTON COXE,
ENOCH TAYLOR,	EDWARD C. DIEHL,
HENRY M. WATTS,	GEORGE EMLER, JR.,
MONTIELUS ABBOTT,	D. NEWLIN FELL,
GEORGE M. STROUD,	HENRY GREENE,
LEWIS A. SCOTT,	GEORGE HARDING,
STEPHEN S. REMAK,	WILLIAM J. HOWARD,
JOHN B. COLAHAN,	E. HUNN HANSON,
WILLIAM H. BROWNE,	EDWIN M. HUNT,
ROBERT N. WILLSON,	HENRY F. HEPBURN,
EDWARD OLMSTED,	HENRY E. KEENE,
B. MARKLEY BOYER,	CHARLES N. MANN,
WILLIAM NELSON WEST,	ALBERT A. OUTERBRIDGE,
ISAAC MYER,	E. GREENOUGH PLATT,
ELLWOOD WILSON, JR.,	T. CUYLER PATTERSON,
J. DORSEY BALD,	WILLIAM H. REDHEFFER,
JOSEPH A. CLAY,	AUBREY H. SMITH,
JAMES D. BENNETT,	ELLIS D. WILLIAMS,

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JUDGE THOMPSON responded in a letter as follows:



PHILADELPHIA, November 25, 1872.

Hon. WILLIAM M. MEREDITH,

Colonel JAMES PAGE,

ELI K. PRICE, PETER McCALL, Esqs.,

And other Gentlemen of the Philadelphia Bar :

GENTLEMEN :

Your kind favor of the 26th ult. reached me at the city of Pittsburgh, where I was engaged in holding a term of the Supreme Court, and now I embrace the earliest opportunity, after my return to this city, to acknowledge its receipt, and to express my profound obligation to you, for the generous tender you have made of a "dinner, to be given at such time and place as may hereafter be designated." I accept this testimonial of friendship and good will on the part of the members of the bar of this city, with pride and pleasure, and I feel that I cannot find appropriate language wherewith to make a suitable acknowledgment for it, and especially for the flattering terms in which your wishes have been communicated. I sincerely thank you for both. The closing scenes of a long term of service, under the friendly auspices now presented to me, will ever be as fondly cherished by me, as the boon is generously granted by you.

I have the honor to be,

Your very obedient, humble servant,

JAMES THOMPSON.







COMMITTEE OF ARRANGEMENT.

---

HENRY M. PHILLIPS, *Chairman.*

THEODORE CUYLER,

ASA I. FISH,

SAMUEL DICKSON,

THOMAS J. DIEHL,

GEORGE NORTHROP,

CHARLES S. PANCOAST,

DAVID WEBSTER,

WILLIAM R. WISTER,

CHARLES H. T. COLLIS,

DAVID W. SELLERS,

HENRY S. HAGERT.





## MEETING OF THE COMMITTEE.

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A meeting of the COMMITTEE OF ARRANGEMENT was held at the office of the Chairman, HENRY M. PHILLIPS, Esq., on Wednesday, November 27, 1872.

HENRY M. PHILLIPS in the *Chair*.

On motion,

THOMAS J. DIEHL was appointed *Secretary*.

The Chairman appointed

GEORGE JUNKIN, ESQ., *Treasurer*.

Thursday, December 19, was fixed as the day upon which the dinner shall be given.

The Chair announced the following Committees :

## DINNER AND PRINTING.

ASA I. FISH,  
GEORGE NORTHROP,                  CHARLES S. PANCOAST,  
WILLIAM R. WISTER,              THOMAS J. DIEHL.

## DECORATIONS.

CHARLES H. T. COLLIS,  
HENRY S. HAGERT,                  CHARLES S. PANCOAST.

## INVITATIONS.

ASA I. FISH,  
DAVID W. SELLERS,                  WILLIAM R. WISTER.

## TOASTS AND SPEECHES.

THEODORE CUYLER,                  ASA I. FISH,  
DAVID WEBSTER,                  SAMUEL DICKSON.

## OFFICERS.

SAMUEL DICKSON,  
DAVID W. SELLERS,                  THOMAS J. DIEHL.





## Dinner.

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Pursuant to the correspondence between the gentlemen of the Bar and Chief Justice THOMPSON, the dinner took place at the Continental Hotel, on THURSDAY, DECEMBER 19, at 5 o'clock P. M.

The banqueting-room was decorated handsomely with flowers, flags, and paintings.

The Bar, three hundred in number, assembled in Parlor C, at five o'clock, and shortly afterwards entered the dining hall, a grand march being performed by an orchestra stationed in an ante-room.

The organization of the Banquet was as follows:

*President.*

PETER McCALL, ESQ.

*Vice Presidents.*

HON. HENRY M. PHILLIPS,  
HON. GEORGE M. STROUD,  
HON. CHARLES GILPIN,  
HON. MORTON McMICHAEL,  
HON. BENJAMIN H. BREWSTER,  
HON. WILLIAM A. PORTER,  
HON. HENRY M. WATTS,  
JOHN C. BULLITT, ESQ.



Grace was said by the Chairman, PETER McCALL,  
Esq.





## BBS OF FARE

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### CAPE MAY OYSTERS ON THE SHELL

*WINE—LATOIR BLANCHE*

#### Soups

MOCK TURTLE

POTAGE A LA REINE

*WINE—AMONTILLADO SHERRY*

#### Fish

BAKED ROCK A LA CHAMBORD

EPERLANS SAUCE TARTARE

*WINE—LEIDEN'S MARCOBRUNNER*

#### Roasts

ROAST TENDERLOIN OF BEEF LARDED WITH MUSHROOMS

ROAST TURKEY WITH CRANBERRY SAUCE

ROAST SADDLE OF SOUTHDOWN MUTTON WITH CURRANT JELLY

ROAST SADDLE OF PENNSYLVANIA VENISON WITH SWEET SAUCE

*WINES—MUMM'S DRY VERZENAY; CHATEAU LA ROSE*

#### Pâtrees

SWEET BREADS LARDED WITH FRENCH PEAS

CHICKEN CROQUETTES A LA DUCHESSE

PATE A LA FINANCIERE

SUPREME DE VOLAILLE AUX CHAMPIGNONS

*WINE—ROEDERER'S CARTE BLANCHE*



### Sorbet

#### CARDINAL AU VIN DU RHIN.

### Game

CANVAS BACK DUCKS      RED HEAD DUCKS      PRAIRIE CHICKENS  
PHEASANTS      QUAILS BROILED ON TOAST

WINES—CHATEAU LA ROSE; MUMM'S EXTRA DRY VERZENAY

#### DRESSED TERRAPIN

DRESSED LETTUCE      SPANISH OLIVES      ROQUEFORT CHEESE

### Sucres

SOUFFLEE A LA RIPANNI      CHARLOTTE      MERINGUES AUX FRUITS  
GELEE AUX FRUITS      PLAIN JELLIES  
CAKE      ♦ CONFECTIONS

### Ice Creams and Water Ices

BISCUIT GLACEE      VANILLA      STRAWBERRY      HARLEQUIN  
ROMAN PUNCH      ORANGE      LEMON      RASPBERRY

### Dessert

ORANGES      GRAPES      BANANAS      PEARS

#### BLACK COFFEE

### Liquors

CHARTREUSE      MARASCHINO      CURACOA      BRANDY

#### CIGARS

After the removal of the cloth, the Chairman, PETER McCALL, Esq., announced the toasts of the evening, prefacing the first with the following remarks:

He said he was glad to see so large an attendance of my professional brethren, without distinction of party, exhibiting unanimity and an enthusiasm on this occasion which was highly gratifying. However gentlemen might differ in their political sentiments, and these differences are essential to free institutions, all would agree that Judge Thompson had shown himself a learned, able, and upright Judge; that he had held the scales of justice with even hand, and ever maintained that integrity which Lord Bacon said was the portion and chief virtue of a Judge. It showed one thing which was gratifying and encouraging, and that was that fidelity to duty would always command the approbation of the profession. The Judge who pursues the manly, straightforward course, looking neither to the right nor to the left; who does his duty without fear, favor or affection; courts no popularity; yields to no pressure, and scorns every unworthy influence, will be rewarded by the approval of his own conscience, and by the applause of those whose applause is best worth having—his professional brethren. There are two tribunals before which the character and conduct of every Judge must pass in review—the tribunal of the general public, and the more watchful and discriminating tribunal of the Bar. The Bar of Philadelphia had set the seal of their approval upon the official conduct of Judge Thompson. They had been duly impressed with the soundness and adequacy of his learning, his legal acumen, the strong common sense and healthy vigor of mind which he had brought to bear in the application of the law, the purity of his character, and his unwearied industry in the discharge of his arduous duties. Few men outside of the profession understand or appreciate the magnitude of the responsibilities and duties of the Supreme Court of this State, with its population of three millions and a half sitting in judg-

ment on the constitutionality of the acts of a co-ordinate branch of the Government, and reviewing the decisions of thirty judicial districts. It is an exalted position, requiring varied and extensive learning, ability of a high order, and above all, unflinching firmness and integrity. The standard was a high one. The language of panegyric would be out of place, but he might be permitted to say in the presence of Judge Thompson, that he had come up to the standard, and that he retired from the Bench which he had adorned for fifteen years amid the general plaudits, and that he carried with him not only the respect, but what to a man of his disposition would be hardly less gratifying—the warm regard and hearty good will of the Bar. His courtesy and kind deportment on the Bench to all alike, the youngest as well as the oldest; his patience and gravity of hearing—which the same high authority referred to declared to be an essential part of justice—demanded special recognition.

He spoke the general voice of the Philadelphia Bar when he extended to Judge Thompson a right hearty welcome. Long may he live to be an honor to our noble profession. That many, very many years of active and honorable usefulness may be in store for him, is the devout wish and prayer of every member of the Philadelphia Bar.

### FIRST TOAST:

“Hon. JAMES THOMPSON.”

VIR Bonus est quis?

QUI CONSULTA PATRUM, QUI LEGES JURAQUE SERVAT:

QUO MULTAE MAGNAEQUE SECANTUR JUDICE LITES.

HOR. EPIST.

HOW EXCELLENT A MEDLEY IS MADE WHEN HONESTY AND ABILITY  
MEET IN A MAN OF HIS PROFESSION. FULLER'S WORTHIES.

To which Chief Justice THOMPSON responded as follows :

MR. PRESIDENT AND GENTLEMEN :

I feel greatly at a loss for language to make my acknowledgments for the kind manner in which the mention of my name has been received, and the elevated and flattering sentiment with which it has been coupled. In the midst of this exhilarating scene, and in the presence of the great legal talents of the Bar of the city of Philadelphia—than which no superior is to be found this side of the Atlantic—it would better comport with my own feelings to let them demonstrate themselves, if you will pardon the solecism, by entire silence. But if this may not be, you will indulge me in assuming on this occasion the official prerogative, formerly mine, of saying little and listening more.

Mr. President, it would seem like vanity on my part to appropriate this magnificent testimonial to any official merit belonging to me. I cannot ; but rather attribute it in a great degree, to a generous kindness towards the evanishing official. This attribution would be no less honorable to you than it would be kind to me. But I must not discuss motives, for be they of the one or the other character, I am no less now, and forever, your grateful debtor, and you have all I can give in return—my hearty thanks for the distinguished honor you have done me.

Fifteen years ago this month, I took a seat on the Supreme Bench at Nisi Prius, in this city, and commenced the trial of issues of fact. I came from the extreme western end of the State, and was consequently personally acquainted with but few of the members of this Bar. It is true, I had in a few instances appeared in the argument of cases before the Supreme Court here ; but still, I was a stranger ; yet it has always been a most agreeable reminiscence to recur to the magnanimous manner in which I was received and treated. The trust so unhesitatingly reposed in time ripened into confidence

and friendship, of which this grand demonstration gives grateful assurance, and that it has ever since continued.

The long judicial period which I then entered upon is now ended and closed, and to a great extent the Bar of that day is here to-night to signalize its close, not to shake hands over chasms of any kind, but to part in our official relations, as friends would love to part, to part as we met—friends.

This is consolatory, especially to one who has happened to be the organ of the Court, as I have been for five years past. The duty attached is to govern, and government is necessarily, however limited, arbitrary at some point. No doubt a Judge often appears harsh to those who, in the process of his government, may be disappointed in their aims and wishes. No doubt I have often seemed so. But the necessity for it was always regretted. For with myself the desire of freedom from restraint has ever been a ruling passion. But I must say that there has been but little necessity for the exercise of authority at this Bar. It governs itself for the most part. I can, therefore, hardly be charged with any weakness in regretting the official separation from such an official association. You will not mistake me, and suppose that I regret the separation from the toil and responsibility incident to my late position. To do so would be a great mistake, and would do violence to truth. But, gentlemen, I must here say what I have occasion to know, that the Judges of your Supreme Court have greatly too much to do. I am a disinterested witness, and I testify to my experience. Its jurisdiction greatly magnified, is the same that it was forty-six years ago, with many new subjects of jurisdiction added, and with the increase of population nearly threefold, and of business to a greater extent, and the same number of Judges still exist. Certainly some change should be made. Sooner or later, it must be done. In a free country like ours, the Judiciary is an essentially conservative power, and should be well cared for.

Freedom can never perish with good men to administer the laws,

and people virtuous enough to sustain them. They will sustain the fundamental laws until driven from place. They have no other interest. It pleased the eccentric statesman, Randolph, when attacking the Supreme Court of the United States, to say on one occasion, "that after the book of Judges came the book of Kings." But in a country like ours, kings can never come, unless the judges be perverted. Their functions have no tendency to introduce them.

The termination of my official character brings with it another subject of regret, and that is the severance of the pleasant intercourse which belonged to it with my brethren of the Bench. I part with them with regret, for I ever esteemed it at once an honor and a distinction to be associated with them.

Gentlemen, the Bar of Philadelphia needs no eulogium at my hands. Its eminent ability is, I may say, proverbial. I acknowledge my indebtedness to it beyond and above its eminent courtesy. I have been instructed by its learning and aided by its ability. I have fully realized in my intercourse with it the great importance a learned Bar is to a Court. The administration of the law is made comparatively easy by it, and justice rendered more certain. It is not too much to say, that to a very great extent the Bar makes the Bench, and certain it is, it is the ultimate correctional tribunal, by force of its opinion. No erroneous principle in our free land ever stood against the condemnatory opinion of the Bar. It is a conservative power in this respect.

I must bring these remarks to a close, and will do so by again thanking you for the distinguished honor done me on this occasion.

At the conclusion of the speech three cheers were proposed and given for Chief Justice Thompson.



## SECOND TOAST:

## "SUPREME COURT OF PENNSYLVANIA."

IF WE WERE TO GO BACK TO THE IRON TIMES OF THE TUDORS, AND FOLLOW JUDICIAL HISTORY DOWN FROM THE FIRST PAGE IN DYER, TO THE LAST PAGE OF THE LAST REPORTER, WE SHOULD FIND THE HIGHER COURTS OF CIVIL JUDICATURE, GENERALLY, AND WITH RARE EXCEPTIONS, PRESENTING THE IMAGE OF THE SANCTITY OF A TEMPLE WHERE TRUTH AND JUSTICE SEEM TO BE ENTHRONED, AND TO BE PERSONIFIED IN THEIR DECREES.

CHANCELLOR KENT.

## Responded to by Chief Justice READ.

MR. CHAIRMAN:

The judicial system of our State, by introducing equitable principles in common law forms of action, and in considering the equitable title to real estate as the real title, saved us from a separate Chancery Court, clogged up with mortgages and other subjects which can be more conveniently disposed of in a Common Law Court. It has also led to great liberality in allowing amendments in pleading, embracing now a change of the form of action, and declaring that no interest or policy of law shall exclude a party or person from being a witness in any civil proceeding. The vesting equity jurisdiction in the same Court has required the Judges to be both common law and equity lawyers, and has liberalized both the Bench and the Bar, and goes far to realize Lord Penzance's proposition in the House of Lords, that where a common law principle is opposed to an equitable principle, the equitable principle shall govern.

This system may be improved, but must be preserved, and it has saved us from codification and an entire change in the administra-



tion of justice. It has been said, and truly, that the Supreme Court is overworked, but the remedy is a simple one. Increase the amount under which no writ of error or appeal shall be taken, except in special cases involving questions as to the constitutionality of laws of the State or Nation.

The Bar of Philadelphia has always been distinguished for its ability, learning and integrity, and I speak of it from long personal knowledge, for I was admitted to practice upwards of fifty-four years ago. Of the leaders of the Bar of that day only one survives, the venerable Horace Binney, the most accomplished lawyer we ever had in this his native State. My friend and classmate, Mr. Meredith, the present eminent leader of the Bar, is the President of the Constitutional Convention.

Of the Supreme Court, as it has existed for the last fourteen years, I can speak of its members from personal association, as men of high character, great learning and spotless integrity, to whom I am indebted for great kindness and consideration under circumstances imposing great additional labor upon them.

Of my friend, Chief Justice Thompson, I can say with truth, that our official and personal connection for the period I have been on the Bench, has been of the most pleasant and agreeable character, and has impressed me with a high appreciation of his learning, his ability, his strong common sense, his uprightness and integrity as a Judge of the highest tribunal in the State, and I am rejoiced at witnessing this tribute paid by so large an assemblage of the Bar of my native city to his virtues and talents as a man and a magistrate.

## THIRD TOAST:

## "THE CONSTITUTIONAL CONVENTION."

TAKE COUNSEL OF BOTH TIMES, OF THE ANTIENTER WHAT IS BEST; OF THE LATER TIME WHAT IS FITTEST; TO REFORM WITHOUT BRAVERY OR SCANDAL OF FORMER TIMES; YET TO SET IT DOWN TO OURSELVES, AS WELL AS TO CREATE GOOD PRECEDENTS AS TO FOLLOW THEM.

BACON.

WE HAVE CONSECRATED THE STATE THAT NO MAN SHOULD APPROACH TO LOOK INTO ITS DEFECTS OR CORRUPTIONS BUT WITH DUE CAUTION; THAT HE SHOULD NEVER DREAM OF BEGINNING ITS REFORMATION BY ITS SUBVERSION; THAT HE SHOULD APPROACH TO THE FAULTS OF THE STATE, AS TO THE WOUNDS OF A FATHER, WITH PIOUS AWE AND TREMBLING SOLICITUDE. BY THIS WISE PREJUDICE, WE ARE TAUGHT TO LOOK WITH HORROR ON THOSE CHILDREN OF THEIR COUNTRY, WHO ARE PROMPT RASHLY TO HACK THAT AGED PARENT IN PIECES, AND PUT HIM INTO THE KETTLE OF MAGICIANS, IN HOPES THAT, BY THEIR POISONOUS WEEDS AND WILD INCANTATIONS, THEY MAY REGENERATE THE PATERNAL CONSTITUTION AND RENOVATE THE FATHER'S LIFE.

BURKE.

Responded to by the Hon. GEORGE W. WOODWARD.

MR. PRESIDENT:

When the very courteous note of the Committee reached me, assigning to me the duty to speak here to-night for the Reform Convention, the instant inquiry arose in my mind what is the relation or necessary connection between the Thompson Dinner and the Reform Convention? That the Philadelphia Bar should give a dinner to Judge Thompson seemed to me to be most fit and

proper, and I was ready to enter into the full spirit of the occasion, but I could not see that the Reform Convention had anything to do with it, either to eat or drink. And if any curious inquirer insists upon being satisfied on this point, I must refer him to the Committee, for I confess myself quite unable to remove his doubts.

Of one thing, however, I feel quite sure. I esteem it a great honor to be mentioned with commendation in such a presence as this, and in connection with the exalted sentiments that have been quoted from Bacon and Burke, and though not commissioned by the Convention to speak for them, I do not hesitate to thank the company in behalf of the Convention for the honor of being remembered on so interesting an occasion. I believe I represent every single member of that body when I assure the Bar of Philadelphia that their compliment will be highly appreciated.

Perhaps I am expected to give some account of the Convention, of its doings, and its probable results, but the fact is, that it has not yet entered upon the work for which it was convened, and nothing has transpired sufficiently definite to enable any one to forecast results. Thirty-five years ago a Constitutional Convention, composed of one hundred and thirty-three delegates, met to revise the Constitution of Pennsylvania. That instrument consisted at that time of nine articles, and the Convention instituted nine standing committees, one on each article, and each committee consisted of nine members. This took up eighty-one of the one hundred and thirty-three members, and the several committees reported their respective articles without amendments, or with such amendments as were thought to be worthy of consideration by the Convention.

But when the present Convention assembled, it found the Constitution to consist of twelve articles, and as the body, like that of 1837, consists of one hundred and thirty-three members, it would have been quite natural, in analogy to its predecessor, to appoint committees on each of the twelve articles. Instead of doing this, however, we resolved to have twenty-seven standing committees,

some of which consist of fifteen members, some of nine, and some of seven. The astonishing feat was successfully accomplished of one hundred and thirty-three members multiplying themselves into two hundred and forty committee men. And you must understand that these committee men are dispersed all over the State, now in the recess of the Convention, no doubt excogitating, each for himself, all proper constitutional amendments, but not acting in concert on any one subject. On the seventh of next month they are to come together in this city and to meet, I understand, in a church down Spruce street, and it is to be hoped that the sacred associations of the place will harmonize all conflicts of opinion, and bring order and beauty out of chaos.

A constitution is sometimes called a fabric, or frame of government. Mr. President, did you ever know two hundred and forty architects to be employed in planning improvements for any other fabric? The only edifice I ever read of being similarly reared was the Tower of Babel. Or suppose, sir, your own constitution needed to be mended, would you call in two hundred and forty doctors and set them to work, each for himself, in devising remedies? Your friends would be likely to insist upon your making your last will and testament before resorting to so hazardous an experiment.

Now, sir, let nobody go away from here with the impression that nothing good and valuable is likely to result from the extraordinary measures which thus far have been adopted. I believe it is Disraeli who says the unexpected is always happening. Gentlemen should remember this, and not despair of the Convention—the unexpected may happen. It is a body of able and respectable men, intent upon doing the best they can for the Commonwealth, and it is wise to wait in hope. I heard it was a non-partisan body, but the only evidence of this I have seen, was the election by a unanimous vote, of a very distinguished member of the Philadelphia Bar to preside over its deliberations. In advance of any opinion of the ladies, (whose judgment on this point would be final and conclusive,) I

would say the Convention is a body of very good looking men. When it reconvenes on the 7th of January, you will all have an opportunity to inspect and weigh it for yourselves; and when its work is done, the people will judge it by its works. You have heard from the honored guest of this evening that the Supreme Court is greatly overworked, and needs relief in some form. I trust this will be provided for. I have already drawn and submitted to the Chairman of the Judiciary Committee a plan for an intermediate court, which, if adopted, will sift out from litigation much of the chaff that now afflicts the Supreme Court.

But, sir, I am no prophet, nor the son of a prophet. I know not what is in the womb of the future. I cannot foretell what the Convention will do, nor what it will forbear to do. I only bespeak for it the patient and respectful consideration of the public.

And now, sir, having said all I have to say about the Convention, let me say a few words more immediately appropriate to the occasion. I was a member of the Supreme Bench when Judge Thompson came upon it. I sat by his side for ten years, and watched the development of those qualities mental and moral which have so impressed the Bar of Philadelphia, and, indeed, the whole population of the State. No public man ever better deserved the magnificent compliment you have paid him. With all my heart I echo the applause that greets him in his retirement. I mean not the slightest reflection upon the distinguished gentleman who has been elected to succeed Judge Thompson, and whom I am happy to see here to-night, when I say, as Judge Strong expresses it in his letter, that he will be a fortunate judge if he executes his high office as acceptably as Judge Thompson has done. And in the same spirit of respect for the successor, and without a thought of disparagement in my mind, I will say that the people of Pennsylvania made a capital mistake when they dismissed from their Supreme Bench so competent, honest and faithful a servant as Judge Thompson.

## FOURTH TOAST :

## "THE BENCH OF PHILADELPHIA."

THE NATURE OF OUR PEOPLE,  
OUR CITY'S INSTITUTIONS, AND THE TERMS  
FOR COMMON JUSTICE, YOU'RE AS PREGNANT IN  
AS ART AND PRACTICE HATH ENRICHED ANY  
THAT WE REMEMBER. MEAS. FOR MEAS.

Judge M. RUSSELL THAYER responded to this toast as follows :

MR. CHAIRMAN AND GENTLEMEN OF THE BAR :

Lord Stowell once said, when some one objected to the practice of having dinners for parish or other public purposes, "Sir, I approve of the dining system ; it puts people in good humor, and makes them agree when they otherwise might not. A dinner lubricates business." Lord Stowell was, as we all know, of a lively temperament and extremely fond of society. Nor was he, any more than his brother John—the Chancellor, and most of the other great lawyers of that day, indifferent to a bottle of port. The observation of Lord Stowell is doubtless founded in reason and philosophy, but although a good dinner may be a great lubricator of business, it does not always furnish the most favorable occasion for the display of eloquence, especially to those who are not used to what I may call prandial oratory. While, therefore, I feel it to be a great honor to have been chosen by the Committee of Arrangements to respond to the sentiment which has been read, I feel, sir, at the same time, that if the Committee had gone farther the company might have fared better. If they had chosen, for example, for this duty, the learned chief of my own Court—a much more



convivial man than I am—or if they had gone into the other Court, where five Chancellors

—“do sick’ning equity restore,  
And helpless orphans now need weep no more.”

Or, if they had ascended into that pantheon of the greater deities, so lately adorned by the wisdom and amenity of your honored guest, where the Judges of the Supreme Court repose like the gods in Olympus, reading their endless paper books and issuing their irreversible decrees. But as the lot has fallen upon myself, I must speak in the best way I can to the sentiment. The Judiciary; what is the Judiciary but a fragment of the Bar in office for a longer or shorter period. Engaged in the same studies, employed in another department of the same profession, and dependent upon you, not only for the successful transaction of business, but for whatever of reputation they may achieve in the discharge of their duties. The bonds which unite us are found in our common education, our common ideas, our common pursuits, and our mutual dependence upon one another. We often need your forbearance, and sometimes you stand in need of ours.

In the administration of the law, much depends not only upon learning and powers of clear perception, the faculty of close reasoning, and the instinct of justice, but much also upon that subtle element of every individual constitution called animal spirit. Lord Thurlow, who was a man of very rough manners, and used to be called by the Chancery lawyers the Tiger, once adjourned his Court for the summer vacation without making the usual valedictory address to the Bar. A young barrister thereupon said, in an audible whisper, “He might at least have said damn you.” The Chancellor thereupon returned to his seat and made the usual complimentary speech. The story contains at least a useful hint for the Judges. In the ancient code of laws, drawn up by the great Lords of the Crusaders, after their capture of Jerusalem, and known as the Assizes of Jerusalem, there was an article by which the losing party



had the liberty afforded him of questioning the decision of the Court ; but whoever availed himself of this privilege was obliged to fight all the persons composing the Court, one after another. Who has not seen this feature of the Assizes of Jerusalem occasionally illustrated in all our Courts? But this is a part of the freedom we enjoy, and one of the best proofs of the independent spirit both of the Bar and the Bench.

The Bench is, as I have said, but a part of the Bar in another sphere of action. Hence the Bench is, as a general rule, both in intellectual and æsthetical qualities, a reflex of the Bar.

It was when the great plague had thinned out the lawyers of London, and frightened away the remnant it had spared, that the coarse and brutal Jeffreys first began to rise to power and importance. In a republican country, an able and upright Bar will never long tolerate an incompetent or corrupt Bench. They will always find some lawful means of abating such an evil, for it is a standing reproach to themselves, and a constant stain upon their own honor. It is no part of my duty upon the present occasion to magnify the Judiciary of Pennsylvania ; yet I do but assert an historical truth, when I declare that at no period in the history of this Commonwealth have the Judges of this State been either incompetent or corrupt. As a body they have, both before and since the amendment of 1850, obtained the respect and confidence of the people, and have administered that department of the Government with which they have been intrusted with integrity, efficiency and impartiality ; and that, too, when every other department of the Government has at times been subjected to suspicion, and has suffered a withdrawal of public confidence.

Therefore, when a British journal of high respectability, noticing recently the discreditable condition of the Judiciary of another great city of the United States, ignorantly imputed to Pennsylvania the shame of a similar disgrace, the charge was felt to be so grossly false and unjust, and to betray so great an ignorance of facts, as

scarcely to require a public refutation. From the time, now more than a hundred years since, when Chief Justice Allen presided in the Supreme Court of the province of Pennsylvania, to this day, when the Bar of Philadelphia is assembled to do honor to the honest, fearless and upright Judge, who is their honored guest upon the present occasion, no man can point to any Judge of that high tribunal, who has not executed his great office with fidelity to the public and honor to himself. And the subordinate tribunals have been equally free from reproach. And this result is due in no small degree to the high character for integrity and ability which the Bar of this State has maintained throughout that whole period. Some have been apprehensive that with the growth of the profession in numbers, something might be lost of that high tone and character which have always distinguished it; and perhaps there are some grounds for this apprehension. The profession is not such a privileged class as it was in the days of our English ancestors, when, according to the case reported in Viner's Abridgment, it was actionable to call a counsellor-at-law a daffadown-dilly, or to say of him; as in the case in Siderfin, "He hath no more law than Mr. C——'s bull," although it had not been pleaded that C—— had a bull, the Chief Justice declaring that in that case the scandal was the greater. But if they have lost anything of their personal importance as members of a class, the lawyers have certainly gained by the vast enlargement of the sphere of their influence in modern times. What transactions can be carried on without their aid? What enterprise is undertaken without their participation? They are the leaders in all private affairs, and the Government itself, in all its branches, is chiefly conducted by them. They counsel the Executive, they fill the Legislature, they reinforce the Judiciary. They assert in Courts the private rights of individuals, and before international tribunals the august rights of nations. The duties of a Judge, if they lie within a narrower and more clearly defined sphere, are not less important in their nature and consequences. He is called a Justice,

to put him in continual memory to do justice. He is to stand between citizen and citizen, and between the citizen and the State. He is to hold the scales evenly between the rich and the poor, the most powerful and the most helpless. He is to know no man's face, but only his right. He is to penetrate all darkness, and to overcome all obstacles, to arrive at justice, and he is at the same time to bear in mind the maxim: "*neminem oportet esse sapientiores legibus.*" He is to abandon all other pursuits, and be alone the priest of Justice. In the discharge of these grave duties, he has a right to the sympathy and support of the Bar. They are bound to judge him fairly, and if they do not sometimes like his judgments, to believe, nevertheless, that they are the best conclusions of his reason and his conscience. Among the laws of King Edgar, there was one which declared that a Judge who gave an unjust judgment should be fined one hundred and twenty shillings, unless he would swear that he knew not how to have made a more just decree. We are willing to be judged by the principle of that law.

Before I sit down, I may be expected, perhaps, to refer to a subject of much interest, not only to the Bench and the Bar, but to all the people of this Commonwealth—a subject already referred to by the distinguished gentleman who preceded me. A Constitutional Convention is now in existence in this State. What are they to do about the Judiciary? Upon this subject I have one or two remarks to make. The Bar has a deep interest in that question, and will doubtless make its influence felt in its determination. If the Judiciary of this State is to retain the confidence of the people, if it is to maintain the character which it has hitherto held in the public estimation, if the Bench is to be occupied by men competent and fit to fill that responsible position, then the Judiciary must be placed in the new Constitution upon a footing of perfect independence, both as regards tenure and in all other respects. It must be made worthy of the ambition of great and good men. It must be elevated alike

above the storms of party politics, and above the grasp of presumptuous ignorance.

Permit me now, gentlemen, to close these desultory remarks by thanking the Bar of Philadelphia, on behalf of the Bench of Philadelphia, for the uniform kindness, respect and consideration which they have always experienced at your hands, and to say that no duty can ever be more dear to the Bench of Philadelphia, than that of maintaining the rights and the long established reputation of the Bar of Philadelphia.

## FIFTH TOAST:

### "A PHILADELPHIA LAWYER."

QUI JURIS NODOS ET LEGUM AENIGMATA SOLVAT.

*JUV. SAT.*

THEIR TONGUES ARE AS KEEN

AS IS THE RAZOR'S EDGE INVISIBLE,  
CUTTING A SMALLER HAIR THAN MAY BE SEEN,  
ABOVE THE SENSE OF SENSE; SO SENSIBLE  
SEEMETH THEIR CONFERENCE; THEIR CONCEITS HAVE WINGS  
FLEETER THAN ARROWS, BULLETS, WIND, THOUGHT.

*LOVE'S LAB. LOST.*

Hon. THEODORE CUYLER responded to this toast as follows:

MR. CHAIRMAN AND GENTLEMEN OF THE BAR:

I confess myself unable heartily to concur with one of the sentiments which Judge Thayer, who has just spoken, expressed in his eloquent remarks. To me nothing seems more illogical, unreasonable and indefensible than our ancient habit of after-dinner speaking. Divine authority says that out of the "fulness of the heart the mouth

speaketh." But neither Divine authority, or the experience of mankind, gives similar promise "to the fulness of the stomach." By what subtle alchemy shall these excellent viands, and these delicious wines, which the taste and skill of my friends of the Committee, Mr. Fish, Mr. Northrop, Mr. Dickson and Mr. Diehl provided, be transmitted into thought or expressed in eloquence. I am not insensible of the honor done me when I am asked to speak for the Philadelphia Bar. Nor yet am I unconscious of the difficulty and delicacy of the duty in the presence in which I stand. You ask me to speak of the Philadelphia Bar to the Philadelphia Bar; myself a Philadelphia lawyer to speak of Philadelphia lawyers. Before me are the men of this generation of the Bar, living evidence that the world-wide fame and the traditional name, honor and renown of the Philadelphia Bar still abides. That the purity of personal character, the tone of professional honor, the learning, the skill, and the integrity which in the olden days won renown for this Bar, and made the name of a Philadelphia lawyer proverbially great, still characterizes the profession. That as the Binneys, the Chaunceys, the Sergeants, the Ingersolls, the Rawles and the Dallasses, and their cotemporaries, have been withdrawn from the stage of action, those who have come after them have worthily maintained the honor and the dignity of the Philadelphia Bar, and will transmit it to this generation of younger men—who shall soon occupy our places—as a sacred trust, passing, I am sure, into worthy hands. But I cannot agree, Mr. President, that the lines from "Love's Labor Lost," which accompany the sentiment you propose, fairly exhibit or express the character of a Philadelphia lawyer.

[Mr. Cuyler here read the toast and humorously criticized it, and then proceeded.]

They have been men acute and of quick conceit, it is true; but they have been men learned in the law, accomplished in the arts and sciences, scholarly men with minds imbued with literature, and made refined and graceful by poetry and the fine arts. They



have been men of robust intellect, of hard and vigorous sense, masters of a powerful logic and an earnest rhetoric. Men who have moved courts and juries by their eloquence, and won and held the confidence of communities by the purity and virtue of their lives, and the fidelity with which they have filled and discharged the varied trusts which devolved upon them.

They have been patriotic men, who have risen to the comprehension of grander questions of Constitutional law, and leaving "narrow technicalities where the latter killeth, have sought for the spirit which maketh alive."

Such were the men who won its great fame for the Philadelphia Bar, and have done for it what men of lesser breadth of mind and fulness of professional and personal accomplishments could have never achieved. But gatherings such as these bring to mind similar assemblies which have preceded them, and as we look around we miss familiar faces which greeted us on former occasions. There are forms that move among us unseen to-night, and voices which mingle in our festivities which are not of earth.

Where is Guillou? as we familiarly called our friend. Where Mr. David Paul Brown? where Mr. Lex? and where Mr. George M. Wharton?

Worthily have they served, each and all of them, in their day and generation, and as they rest from their labors, they abide in the affectionate recollection of the Bar, which knew and will remember their ability and excellence, personal and professional.

I have mentioned Mr. George M. Wharton. I may venture to refer to him in this assembly, as a noble example of the men who embodied and exercised all those features of mind and character, both personal and professional, which have won for the Philadelphia Bar its high position. To speak of his virtues to the men who familiarly associated with him, and from whose presence it seems but yesterday that death withdrew him, is like reciting a thrice-told tale. With all his excellency of intellect, disciplined

by a most admirable and effective training, there was a kindness and gentleness and cordiality of manner which charmed all who approached him. There was no gall in his composition. Envy and malice and hatred never once knocked at the door of his heart. He never lost a friend or made an enemy. His nature was soured by no disappointments, and wasted by no stormy passions. There was nothing in his life for a friend to suppress or an enemy to proclaim. He had none of the irregular impulses by which men of genius are so often led astray, and nothing of that weakness of character which often accompanies brilliant endowments. And now that his life is closed, we may call it fortunate and happy, for he had professional fame and love and honor, and we can mourn for him only with that natural sorrow which is a just tribute to departed worth. Such a man was a fitting type of the Philadelphia Bar; to describe him, is a fair and just response to the sentiment you have asked me to reply to.

#### SIXTH TOAST:

#### "BENCH AND BAR OF PENNSYLVANIA."

IN ALL THE CIVIL DIFFICULTIES OF LIFE MEN DEPEND UPON YOUR EXERCISED FACULTIES, AND YOUR SPOTLESS INTEGRITY; AND THEY REQUIRE OF YOU AN ELEVATION ABOVE ALL THAT IS MEAN, AND A SPIRIT WHICH WILL NEVER YIELD WHEN IT OUGHT NOT TO YIELD. AS LONG AS YOUR PROFESSION RETAINS ITS CHARACTER FOR LEARNING, THE RIGHTS OF MANKIND WILL BE WELL ARRANGED; AS LONG AS IT RETAINS ITS CHARACTER FOR VIRTUOUS BOLDNESS, THEIR RIGHTS WILL BE WELL DEFENDED; AS LONG AS IT PRESERVES ITSELF PURE AND INCORRUPTIBLE, ON OTHER OCCASIONS NOT CONNECTED WITH YOUR PROFESSION, THOSE TALENTS WILL NEVER BE USED TO THE PUBLIC INJURY, WHICH WERE INTENDED AND NURTURED FOR THE PUBLIC GOOD.

SYDNEY SMITH.



This toast was responded to by Hon. BENJAMIN HARRIS BREWSTER.

MR. PRESIDENT:

You must let me complain of this sudden distinction you have thrust upon me. It is but two minutes ago, I was told that I must answer to this toast. The honors of this important occasion have been very wisely distributed by the gentlemen who have kindly undertaken to arrange all for us; but it seems that on me they have imposed the burthens. Before I begin the few words I shall say, I will arraign these gentlemen and ask them in your presence, what is it that I have done to be so punished, when others have soft and easy chairs of honor? In the first place they have deputed me to preside over one of these tables—and such a table! of lawless larks! no man ever undertook to regulate. Over this table they have put me to preside—and such a table! as I have before said—all the wild rakes and bold blades of the Bar are here! (Laughter.) What man could hold them with their exuberant spirits, in due subjection to dignified decorum? Not I! Why, sir, this reminds me of an event that once happened in England, which I will here relate, and you may apply it if you care:

When the French invasion was threatened, and all England was terrified, the lawyers from the Temple and other Inns of Court in London, formed themselves into a regiment, and Lord Erskine, then the Honorable Mr. Erskine, was created their Colonel. When they were reviewed in Hyde Park by King George the Third, His Majesty was so well pleased with their appearance, that he said to Mr. Erskine: “Colonel! what name is your regiment called by?” To which Colonel Erskine, saluting the king, promptly responded: “The Devil’s Own! your Majesty!” So now, sir, if you ask me what table I command, I shall call you all to witness that, truly do I command the Devil’s own! looking at this rollicking set

over whom I preside, and whom I have vainly striven to control. (Laughter and cheers.) They have no sense of obedience for me, nor have they any fear of my friends Judge Peirce and Judge Finletter, both of whom flank me, and both of whom strive in vain to help me. I sent them word a moment since, I would have to open a Court of Quarter Sessions and bind them all over to keep the peace, and pointed to the judges I had with me. This had no terror for them, but like true dare-devils, as they are, one and all they defied me. (Cheers.) Hear them, sir, now! Hear how with exultant shouts they jeer at me, and my authority! Gentlemen of the Committee, have I not a right to complain?

And now they thrust me unprepared into the place that was to have been filled by our honored and dear friend, the former Chief Justice Black. This last imposition is the most grievous of the trio; for knowing as we all do, the great merits of Judge Black as a speaker, and disappointed as we are at his absence—for that which he would have said would have been the glory of this occasion—any one will readily see how hard a thing it is to ask me thus to take his place.

In a loose and shambling way I must stand here uttering random words, when had he spoken, there would have been floods of majestic eloquence, and of refined and exalted thoughts. I am deputed to speak for Judge Black. That I cannot do, and I defy the wit of man to do it as he can. The toast assigned to him, is "The Bar of Pennsylvania." With what splendor of rhetoric and what variety of knowledge could he not treat of this subject. I can fancy, for awhile, how with rapture and delight you would have hung upon his glowing sonorous periods, and the wealth of information and instructive reminiscences he would pour out before us. I am daunted at the very thought. At the threshold of my remarks, I stand in awe of his great name, and, the recollection of his great powers. Bear with me, then. The Bar of this State, from its earliest history, has been filled with great names. Let

me, in this off-hand way, recall a few of them. In the interior we had Wilkins, and Ross, and Baldwin, and Duncan, and Watts, and Sitgreaves; and, here in Philadelphia, we had a perfect constellation of men who have made the Philadelphia Bar illustrious throughout the world.

In the beginning we must not forget that Philadelphia was the capital of the whole country. In provincial times it was the greatest of colonial cities. The first lawyers we ever had were bred in the Temple, and came across the seas to establish themselves here. They had walked in those ways trodden by the "Benchers," so quaintly, so feelingly described by Charles Lamb. Like him, they too had known a Thomas Coventry "whose gait was peremptory and path-keeping—whose step was massive and elephantine," and they had seen Lord Hardwicke and Northington and Ryder, Willes and Macclesfield and Wilmot and Camden and Mansfield, and they had heard the great leaders of those days, and learned their lessons at their feet, and they had brought with them the knowledge of principle and practice from Westminster Hall, and hence it was that in the beginning we started right, with a solid foundation of professional character and duty. Here the Government of the United States first saw the light of day, and here all the great questions of constitutional law were first discussed and considered, and these questions were handled by such men as Jared Ingersoll, Mr. Lewis, Mr. Tilghman, Mr. Rawle and Mr. Dallas. Those were the men that gave name and fame to our Bar. Heaven send we may never lose it! They established a standard by which we have been obliged to live. How delightfully Mr. Binney describes these gentlemen, and the history of their career. And he, too, thank Heaven, is with us yet! Can I say more of those men and of their works than is said by Lord Mansfield himself in a letter to Chief Justice McKean, in which he acknowledges the receipt of Dallas' Reports, in these words:

"Sir: I am not able to write with my own hand, and must

therefore, beg leave to use another to acknowledge the honor you have done me, by your most obliging and elegant letter, and the sending me Dallas' Reports.

"I am not able to read myself, but I have heard them read with much pleasure. They do credit to the Court, the Bar, and the Reporter; they show readiness in practice, liberality in principle, strong reason and legal learning; the method, too, is clear, and the language plain.

"I undergo the weight of age, and other bodily infirmities, but blessed be God! my mind is cheerful, and still open to that sensibility which praise from the praiseworthy never fail to give. *Laus laudari a te.*

Accept the thanks of, Sir, your most obliged

And obedient humble servant,

MANSFIELD."

And it is over this tribunal made historic by these beautiful words of commendation that our Chief Justice Thompson has presided with so much merit and dignity. And it is to honor him and commemorate his career that we have gathered in here to-night, and thus cheer him with our words of applause as he lays down his great office. Personal friendship and official relation with him both call on me to testify how much we all owe him.

But, gentlemen, I must be done, others are to follow—others whose efforts are worthy of applause, and whose careful preparation will better fit them to invite your attention than these "wild and whirling words" of mine.

For the compliment bestowed in choosing me to fill the post of difficulty, I thank you; but for the greater compliment in thus bearing with me in patience as I talk "pibbles and prabbles," I shall never cease to be grateful.

## SEVENTH TOAST:

## "THE PRESS."

TOT VIGILES OCULI SUBTER, MIRABILE DICTU,  
 TOT LINGUAE, TOTIDEM ORA SONANT, TOT SUBRIGIT AURES.  
 NOCTE VOLAT COELI MEDIO TERRAEQUE PER. UMBRAM,  
 STRIDENS, NEC DULCI DECLINAT LUMINA SOMNO.

*VIRG. AEN.*

"LOOK AT THAT, PEN.," WARRINGTON SAID. "THERE SHE IS—THE GREAT ENGINE—SHE NEVER SLEEPS—SHE HAS HER AMBASSADORS IN EVERY QUARTER OF THE WORLD—HER COURIERS UPON EVERY ROAD. HER OFFICERS MARCH ALONG WITH ARMIES, AND HER ENVOYS WALK INTO STATESMEN'S CABINETS. THEY ARE UBIQUITOUS."

*PENDENNIS.*

Which was responded to by the Hon. MORTON McMICHAEL, as follows:

MR. CHAIRMAN:

Twenty years—it will be nearer the truth to say twenty-five years—ago, and for some considerable time thereafter, in any assembly in Philadelphia, where toast-giving was part of the ceremony, and I happened to be present, I was almost certainly called upon to answer for "The Press." After my predecessor, Mr. Chandler, who still lives in a bright old age of usefulness and enjoyment had severed his connection with the active duties of journalism, somehow I fell into the place of general respondent, made vacant by his retirement, and, on all such occasions as I have referred to, was expected to put in an appearance. To be sure the duty I had to perform was not very arduous, the sentiment, though sometimes differing in form, being always identical in substance, as for example, "The Palladium of our Rights," "The Ægis of the

Constitution," "The Bulwark of Freedom," or the like; and for these a proper amount of glib talk, spiced with a due proportion of patriotic fervor, was always accepted as sufficient, especially as my turn usually came—I do not mean to insinuate that such is the case now—after my audience had ceased to be in a condition favorable to sober criticism. If, indeed, I had possessed the glowing eloquence of our friend Dougherty—dear, delightful, charming "Old Doc," how we do miss him to-night—and, as I have often seen him do, could have mounted the American eagle, and soaring toward the blue empyrean, have swept through "cycle on epicycle, orb in orb," and being in Jove's neighborhood, have called the thunder-bearer down, and caught from the inspiration of the day-god himself tones as musical as is Apollo's lute; or, if like some other of our friends—if Judge Black were present I would instance him—I could have gone careering on that same eagle among the habitations of men, wandering hither and thither at my own sweet will; now smiting with its wings some obstructive to my course; now disbowelling with its claw some opponent of my views; now plucking out with its beak some eye that offended me; and, to those who were too insignificant to provoke attack, turning its tail-feathers, and shaking them contemptuously in their faces; if, in other words, I had possessed the brilliant rhetoric of the one, or the pungent sarcasm of the other, I dare say I should have rejoiced in such opportunities of making myself famous. But as I had not the faculty of lifting myself

Above the smoke and stir of this dim spot  
Which men call earth,

either into the fervid regions of poesy, or the sharper atmosphere of satire, to me the "Palladium," and the "Ægis," and the "Bulwark," soon become common-place enough, and as you may suppose, I found their repetition drearily wearisome. You may imagine, then, what a relief to me it was, when younger men, far better qualified than I was, came upon the scene, and took charge



of the "Sentiment of the Press," and did, and are doing it, on all suitable occasions, much more justice than, at the best, I could render.

But, Mr. Chairman, however reluctant I might have been under other circumstances to answer to this toast—not, it is scarcely necessary for me to say, from any want of faith in the power, the influence, the importance, the dignity, the usefulness of a well-directed press, nor from any under estimate of the advantages I have derived from my relations to it, but for the reasons I have given—however I might have hesitated then, I have no such hesitation now. In the first place, sir, your committee, wisely stepping aside from the beaten track, rejecting the old symbols and formulas which use and custom have made familiar in our mouths as household words, have substituted fresher and better methods, and, in the case that particularly affects me, turning their backs on the Palladium, the *Ægis*, and the Bulwark, have presented the sentiment in a classical and attractive form, by embodying it in the sonorous verse of Virgil and the pregnant prose of Thackeray ; for which new deliverance, in behalf of my "contemporaries," I heartily thank them. And, sir, in addition to this motive, I appreciate too fully the courtesy done to me in inviting me to occupy the place I now fill, not to accept most cheerfully whatever service that invitation may bring with it : I enjoy too keenly the pleasure of being in this company and sharing in its festivities, not to be ready when called upon to mingle my voice with its utterances ; I sympathize too deeply with the purpose that has brought us together, not to be glad of an opportunity to express my high sense of the distinguished public services which have commended to our admiration and respect, and the private virtues which have endeared to our affections, our honored guest. In the spirit—yea, to the very letter—of all that has been said this evening in regard to Chief Justice Thompson, I cordially unite. His eminent ability as a lawyer, his unsullied purity as a Judge, his genial qualities as a man, have long, very long, been familiar to me ;



and among all who hear me, there is no one who joins more sincerely, with a more absolute conviction of its propriety, or a more thorough satisfaction in its success, than I do in the tribute we have met to offer to his merits and his worth.

There is, sir, another reason why, if I should speak at all in this presence, I should speak in reply to the toast last proposed. Isolated as I have been from the pursuit of our profession, it would ill become me to discourse on the themes which you, and the gentlemen who followed you, have treated so ably. But that very isolation qualifies me to judge more impartially—at least to pronounce with less suspicion of prejudice—the general opinion held of the Philadelphia Bar. As to my individual feeling, though it is of slight consequence what that may be, I will not deny myself the gratification of proclaiming, that I cherish, and always have cherished, and, while consciousness lasts, always shall cherish, my connection with the Bar among my highest privileges; and that I feel most grateful to the committee for the recognition of my brotherhood—and may I not hope the implied assurance that I am not an unworthy brother?—in the honorable position they have assigned me in these proceedings. It is not, however, what I may personally think, but what, as a representative of the press, I may feel authorized to declare that you are concerned to know. And, in this capacity, I make bold to assert that if a convention of editors could be held for the purpose of taking into consideration the character of the Philadelphia Bench and Bar, though some of the more impulsive members might scold a little at this and grumble at that, the final decision would be, in reference to the former, that, in that most essential of all judicial qualities, incorruptible honesty, they are beyond reproach; and, as to the latter, taking them as a class, in knowledge of the great principles which constitutes the science of the law and the vigorous application of those principles in their daily practice; in general intellectual culture embracing the widest range of subjects; in fidelity to the cause and devotion to the

interests of their clients ; in a quick sense of professional comity and duty ; in the amenities of social intercourse ; in the exercise of liberal philanthropy and charity ; in the willing discharge of their obligations as citizens, and in the influence for good, which in many beneficent ways they exercise in the community, they are unsurpassed, if they are not unrivalled, in our own or any foreign land.

### EIGHTH AND LAST TOAST :

#### "THE JUNIORS OF THE BAR."

ILLI TURBA CLIENTIUM

SIT MAJOR.

HOR. OD.

WE ARE ALL ENGAGED IN THE SAME MINISTRY—WE ARE ONE BROTHERHOOD—MEMBERS OF ONE COMMON PROFESSION, OF WHICH WE HAVE A RIGHT TO BE PROUD.

MR. JUSTICE SHARSWOOD, BAR DINNER, 1867.

ET, VOSMETIPSOS SIC ERUDITOS OSTENDITE, UT SPES VOS PULCHERRIMA FOVEAT, TOTO LEGITIMO OPERE PERFECTO, POSSE ETIAM NOSTRAM REMPUBLICAM IN PARTIBUS EJUS VOBIS CREDENDIS GUBERNARI.

JUST. PROEM.

Responded to by HENRY ARMITT BROWN.

MR. PRESIDENT :

Somewhere in the varied reading of a boyhood, from which, as must be evident to you, I have but recently emerged, I remember to have found an anecdote of the elephant. In a truthful work, compiled by a philanthropic lady, called *Anecdotes of Animals*, you will find it somewhere written that it is the habit of those sagacious brutes, when they come to a deep and rapid river, to send over first the smallest of the herd,

assured that if he ford it in safety, the largest may attempt the crossing without inconvenience or danger. "To-night, sir, you have reversed this proceeding. One by one, the leaders of this company have passed this current of good-fellowship with firm footsteps and majestic tread, and now, safe upon the other side, you summon to the crossing the least among you all, that from your place of ease and security you may enjoy his floundering. With that warmth of feeling which is appropriate to this hour, and is born of so many good things, and in the sanctity of this apartment, where I see gathered a single family, I feel a natural desire to furnish you with a solution of that question which has been puzzling so large a majority of you for several days. I mean why so obscure and unknown an individual as I am should have been asked to speak for the Juniors of the Bar. I was not admitted in the year 1800, which might seem to some minds a perfect explanation. I see no one at these tables who calls me "grandfather," which might strike others as a good excuse. Perhaps it may be, after all, because I am so truly a Junior at the Bar, that the fulfilment of the wish expressed by Chief Justice Thompson, that we could go back to-night fifteen years, and stand at the beginning of that period, would have put me in bed two or three hours ago. And certainly I ought to be able to respond to the first quotation attached to this toast, for no one can be more deeply touched by a sentiment which must call up from every Junior heart an answering Amen. I represent that portion of the Junior Bar which may be called the "great unemployed." I speak for those unfortunates to whom, thus far, the law has seemed less of a *practice* than of a *profession*; who are in the immediate enjoyment of that plentiful lack of clients which is the first experience of the modern lawyer. I am well aware, sir, that in the early days of our seniors at the Bar, things were quite different. I am credibly informed that in their time the client did the waiting, not the lawyer. When

they had crammed into two years the work of seven—when they had skimmed through such text-books as chance and their inclination had suggested—when they had satisfied the inquiring minds of the Board of Examiners, as to the action of *assumpsit* or the estate in fee simple,—they doubtless found an impatient *turba clientium* awaiting their coming from the examination room, burning to seek their counsel, and cram their pockets with glittering fees. The times are changed; clients are changed, and we have fallen on degenerate days. We sit long years in solitude. Like Mariana, in the Moated Grange, “He cometh not,” she said. Day follows day, and months run into years. No tender-hearted corporation is moved by our condition; hardly an assault and battery attacks our leisure; rarely does even the shrill voice of the defendant in an action for slander startle the stillness of our lives. And we are often condemned to the experience of Tantalus. One sees a stream of clients pour into the office of a friend near by; another is kept in a chronic anxiety by the knocks of prosperous looking laymen, who mistake his office for another man’s; while a third finds it part of his daily trial to see the most promising processions in full march for his office, diverted from their purpose and turned aside by the wickedly enticing and wide open doors of an envious neighboring Savings Fund. Thus, sir, we seem doomed to sit solitary and alone, while our offices, like the unhappy country of the patriotic Irishman, literally “swarm with absentees.” But we are not altogether without hope. The flower that is born to blush unseen, may cherish in its petals the hope of being plucked by rosy fingers; the gem of purest ray may still expect to glitter on the broad shirt front of some prosperous capitalist. I have seen it recently asserted, by no less an authority—my friend, Mr. McMichael, will explain to you how weighty such an authority must be—I say, by no less an authority than a daily newspaper, that it is in the nature of mankind to hope. Shall we despair?

There may be those among us to whom dulness is not dreary, nor idleness irksome. There may be in our midst mental dyspeptics, of whom some one has wittily said, that "they devour many books and can digest none." We may have among us ingenuous youths like the New York law student, who thought the feudal system was "lands, tenements and hereditaments," and originated in New York city; or when asked whether a husband's infidelity was a ground for divorce, did not exactly comprehend the question, and begged to ask, "Am I to understand by that word 'infidelity,' that the husband of the woman denied the existence of a Supreme Being?" We may be good and bad, yet there are brains among us that will be working, and tongues that will not rest forever dumb. In the solitude of our offices—a solitude broken only by the visits of men rightly termed men of assurance, who seek unselfishly to induce us to lay up treasures beyond the grave, or by those of beggars, whose theory seems to hold that the office of the youthful lawyer is the chosen abode of that charity which is kind, no matter how much or how long it suffereth—in that rarely invaded solitude we are nursing hope. Do we not right, sir, as we sit there without even the memory of a client with which to people our cane-bottomed chairs, to dream of knots that may need our untying, of shadowy corporations of the future seeking for counsel, of railroads not yet enjoined? May we not expect the day when the tread of the client will resound through the entry, and his voice be heard clamoring at the door, when we, too, jostled by a *turba clientium maxima*, shall sally forth into the forum to argue points yet undreamed of, and puzzle jurors yet unborn?

But if it be long before we become entitled to share the duties and responsibilities of our profession, to some of its privileges we are admitted at once. From the moment of our adoption into its ranks, we are made to feel the full force of that fraternal feeling which is one of the chief glories of the Philadelphia Bar. We feel



it everywhere, at all times—in the forbearance of the elders, in the respect of equals, in the veneration of the young. It is proof against all attack, and survives the bitterness of every contention. I see around me men who were yesterday, and perhaps will be to-morrow, arrayed against each other in intellectual combat. The passions of the fight have vanished; the heaviest blow has made no bruise; the fiercest thrust has left no scar. And here, where the united Bar has assembled to honor one whose learning and character have so long added strength and dignity to his great office; here in the midst of you, among the leaders of the Bar, even the youngest feel that there is room for them. And, following in their turn, they, too, may press forward to lay at his feet their humble tribute of veneration and respect.

In the words of another honored guest, whose courtesy, and thoughtfulness, and unfailing kindness, have done so much to impress upon the Juniors of the Bar their sincerity and truth—in your words, sir, fitly quoted here: “We are one brotherhood.” Old and young alike. Yoked in the same ministry, cherishing the same traditions, inheriting the same history, taught by the same examples! Long may Providence preserve those honored lives! Long may you both shed the light of living examples on your younger brethren! Long may you taste the reward of your labor in the calm enjoyment of completed fame! *Vivite felices quibus est fortuna peracta!*

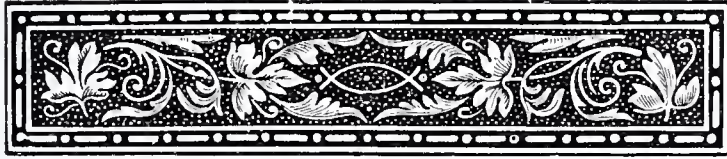
The fleeting years admonish us that on us, in our turn, must fall the responsibilities and trusts of life. Then, when time shall have made us stronger, and suffering more patient, if we have been earnest in endeavor, firm in purpose, honest in emulation, true to our exemplars and ourselves, the Bar that has so often found them in the generations of yesterday and to-day, may not search hopelessly among her servants of to-morrow for the skill, the learning, the eloquence, the strict integrity, the steadfast devotion to his threefold duty which make up the perfect lawyer;

nor "our Republic" seek in vain among her younger children for that broad and generous statesmanship which embraces all humanity, is firm, benevolent, consistent—which, lifted above the passions of the hour, acts not for to-day, but for all time, and tried though it may be by both extremes of fortune, still stands four-square to all the winds that blow.

I am, sir, but one in this company, and stand on the threshold of professional life. I am altogether unworthy to speak for my brothers of the younger Bar, and yet to-night I seem to feel their hearts beating with my heart, and hear their voices ring in mine, bidding me tell you that we seek no higher glory, and cherish no loftier ambition, than to tread worthily in the footsteps of our fathers, and at the end of lives of usefulness, and it may be of honor, to hand down unspotted and unstained the institutions they committed to our care, into the keeping of their children's children's sons.







## LETTERS OF REGRET.

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THOMAS J. DIEHL, ESQ., Secretary of the Committee of Arrangements, read the following letters of regret from distinguished gentlemen who were unable to be present :

BEAVER, *December 18, 1872.*

MY DEAR SIR:—I have the pleasure to acknowledge to you, by request, the receipt of an invitation to the dinner to be given by the Bar of Philadelphia complimentary to the Honorable James Thompson. It would give me great happiness to accept it, but the season of the year, distance, and my own engagements, will prevent that gratification. Having at the recent Bar Dinner, in his honor, at Pittsburg, expressed my feelings and borne my testimony to his distinguished attainments, and his worth as a member of the Supreme Bench,\* I beg leave to refer to what I then said, should anything occur to call for another expression from me.

I am, with great regard, yours very truly, &c.,

DANIEL AGNEW.

HON. HENRY M. PHILLIPS,

*Philadelphia, Pa.*

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\* See post p. 57.

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OFFICE OF ATTORNEY GENERAL,

PHILADELPHIA, *December 17, 1872.*

THOMAS J. DIEHL, Esq., Counsellor-at-Law :

MY DEAR SIR :—I profoundly regret that absence from the city on official business will deprive me of the pleasure of being present at the banquet to be given to Hon. James Thompson, late Chief Justice of our Supreme Court, on the 19th instant. If able to attend, I should consider it my duty to be present on this interesting occasion.

Chief Justice Thompson has endeared his name to every member of the Philadelphia Bar by his patience, his industry, and his courtesy. In fifteen years I never knew him to slight an argument or its advocate.

Like the immortal Justice of whom he was the able and faithful minister, he was always blind to the distinctions of rank, of party, and of creed. Yet for the detection of error, and the vindication of truth, his vision was as clear and searching as Panoptes. In honoring him the Bar does greater honor to itself.

Very respectfully and truly yours,

F. CARROLL BREWSTER.

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PITTSBURG, *December 13, 1872.*

HON. HENRY M. PHILLIPS :

DEAR SIR :—I regret that it will not be in my power to accept the invitation of the Bar of Philadelphia to be present at a dinner complimentary to the Honorable James Thompson, at the Continental Hotel, on Thursday, the 19th instant. It would give me great pleasure to meet the members of the Bar of Philadelphia

on the occasion, and unite with them in this expression of their high estimate of Judge Thompson's ability as a jurist, his worth and service as a Judge, and his integrity, courtesy and fidelity in the discharge of his duties, both as a Judge, and as Chief Justice of the Supreme Court of the State. Hoping that the occasion will be one of delightful enjoyment, I am, with great respect,

Very truly,

H. W. WILLIAMS.

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PHILADELPHIA, *December 3, 1872.*

SIRS:—I have to acknowledge your note of yesterday, inviting me to preside at the dinner to be given by the members of the Bar to the Hon. James Thompson, Chief Justice of the Supreme Court.

I am truly and deeply sensible of the honor done me by this invitation. I should at all times be highly gratified to meet my friends and brethren, the members of the Bar, especially when they come together to express our regard and respect for a gentleman who so well deserves both as Chief Justice Thompson, and it is therefore with more than common regret that I find that the state of my health compels me to forego the pleasure which it would give me to participate in the proposed entertainment. I am, gentlemen, with the highest esteem,

Your faithful friend and servant,

W. M. MEREDITH.

To S. DICKSON, Esq.,

D. W. SELLERS, Esq.,

T. J. DIEHL, Esq.,

*Committee on Officers.*

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WASHINGTON, *December 11, 1872.*

HON. HENRY M. PHILLIPS :

MY DEAR SIR:—I have received an invitation to be present at the dinner which the “Bar of Philadelphia” propose in compliment to the Hon. James Thompson, late Chief Justice of the Supreme Court of Pennsylvania. Were it in my power I should gladly accept the invitation. But my duties here will make it impossible for me to leave. I should find great pleasure in uniting with the Philadelphia Bar in paying honor to one who has not only conferred honor upon the profession, but who has been so useful in our State. Of Chief Justice Thompson I can speak with knowledge, more than most other persons possess. Associated with him during eleven years in the Supreme Court, I not only heard and read his opinions, but I know what he was in conference. He will be justly honored for his fidelity to his trust, for his uncommon common sense, for his love of justice, for his unremitting industry, and for the ability which he brought to the consideration of the questions presented to the Supreme Court for adjudication.

Well will it be for Pennsylvania if his successor shall prove equally faithful, equally able, upright and devoted.

I am very respectfully and truly yours,

W. STRONG.

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WASHINGTON, PENNA., *December 14, 1872.*

HON. HENRY M. PHILLIPS, *Chairman, &c.*:

DEAR SIR:—I regret that my engagements will not allow me the pleasure of uniting with the Philadelphia Bar in their testimonial to Chief Justice Thompson on the 19th instant.

Enjoying ample opportunities of observing the marked traits of intellect and character, which have rendered Judge Thompson's long judicial service so praiseworthy, the members of the Philadelphia Bar will, in this significant mode, not only evince their own just appreciation of his evident merit as a magistrate, but will at the same time reflect the undoubted judgment of their brethren throughout the State.

Very respectfully,

W. McKENNAN.



TO THE BAR OF PHILADELPHIA:

GENTLEMEN:—I am honored by your invitation to a complimentary dinner to the Honorable James Thompson, and if it were possible, I should be happy to testify by my presence, my high respect and personal regard for that honored judge and gentleman. But my age and condition of health entirely deny me this pleasure.

With fraternal regard and good will, your obedient servant,

HORACE BINNEY.

241 S. Fourth street, 12th December, 1872.

NEW YORK, *December 18.*

MY DEAR SIR :—My engagement in a land case now on trial before a jury, puts it out of my power to unite with the Bar of Philadelphia in their complimentary dinner to Chief Justice Thompson.

As a virtuous and patriotic citizen, he is entitled to universal esteem; as an eminently able jurist, he justly commands the homage of the Bar. I trust his retirement may be as happy as his public career has been useful.

I yield with the deepest regret to the necessity which precludes my union with yourself and your associates in the contemplated tribute of respect and admiration.

I am, dear sir, yours truly,

CHARLES O'CONOR.

HON. HENRY M. PHILLIPS, *Chairman,*

*Philadelphia.*





The following are the remarks by Mr. Justice AGNEW, at the complimentary dinner given to Chief Justice Thompson, by the Bar of Pittsburg, on the 22d day of November, referred to by him in his letter to the Committee of the Philadelphia Bar :

MR. CHAIRMAN AND GENTLEMEN OF THE BAR :

I would that I possessed sufficient words of eloquence to express, on this occasion, the deep feelings of my own heart, and to portray to you the great loss the Bench, the Bar and the State are about to suffer in the retirement of our Chief Justice. Even you, gentlemen, familiar as you are with his great qualities, can scarcely realize the extent of this loss. You, like those who, for a brief while, look upon the passing images of a panorama, see only some of the more striking beauties of the scene ; but we of the Bench, starting with its beginning, and ending with its close, see all its shifting and changing views.

Let me now recount our mutual loss, but first allow me to guard against unfair criticism. The judicial lives of the members of the Bench run in parallel lines, yet different in their endings. When



a line falls off, we who remain must support the severed ends, and like the fish bars to a railroad track, hold up the broken joint that the car of justice may pass over it safely and without a jar. While we now turn with sorrow to the setting sun of our retiring brother, and follow with regretful eyes his departing rays, the twilight left is a moment of gloom. But we must turn our eyes to the Orient to meet and to welcome the beams of a new and rising orb, and hail them with confidence and hope.

Then avoiding any thing invidious, let me dwell for a moment on the magnitude of our loss. The ripe experience and variety of judicial knowledge of the Chief Justice tower like a mountain over the hills that surround its base. Let me exhibit this by a short review of his knowledge, first, of what I may term regional law, the jurisprudence of that tract of country described in the Act of the 3d of April, 1792, as lying north and west of the rivers Ohio and Allegheny, and Connemaug creek; a vast region which has given rise to a greater variety of original title, and a larger source of litigation, and to more important and numerous questions, than any other known territory. Few among you, and perhaps none under the age of forty years, have a recollection of the controversies which rent that region and retarded its improvement more than a generation. Having begun my professional life in the same year and in the same region with the Chief Justice, perhaps it belongs to me more than to another to speak of this region.

After the final extinction of the Indian title by the treaty of Fort McIntosh, (now Beaver,) the Commonwealth in 1783 divided this vast tract of country into two grand sections, by a line due west from the mouth of Mogulboughton creek, on the Allegheny, to the Ohio boundary, passing about six miles to the south of New Castle. The northern section she devoted to donations to the soldiers of the Pennsylvania line, according to her promise in the resolution of 1779; and the southern she appropriated to the redemption of the certificates of depreciation she had issued to the soldiers for their

pay, according to a scale of depreciation from the continental currency.

The peculiar mode prescribed for the survey of the donation lands, and the irregularities in the surveys themselves, made in a wilderness, and in the fear of Indian hostility, gave rise to numerous and complicated questions of title. The exemption of these lands from taxation in the hands of the soldiers, and the frequent assignments of the patents to eastern holders, and the sales of perhaps two-thirds or one-half of all the tracts for axes, gave birth to other new and difficult questions.

After this came the Act of 3d of April, 1792, which was Pandora's box to this unfortunate region. This act opened to appropriation all the unsurveyed lands of the whole region, including the struck district lands withdrawn from the wheels, and also the unsold depreciation lands, part of which only had been sold at the coffee-house in Philadelphia. It provided for two modes of acquiring title—by warrant and survey, and by settlement and survey. The 9th section, under pain of forfeiture, required settlements to be made on their tracts, by the holders of warrants, within two years from their dates. The Indian hostilities prevented performance of this condition, and the warrants were supposed to be forfeited.

The treaty of General Wayne with the Indians at Fort Greenville was ratified on the 22d of December, 1795, and in the spring of 1796, supposing the warrants forfeited, the settlers swarmed over this whole region. Then began a scene of strife and litigation unequalled in judicial annals. The questions were numerous, complicated and difficult, with scarcely a precedent as a guide. I could tell you of descriptive warrants taking title from the date, vague warrants taking title from the survey, shifted warrants taking title from the return and acceptance of survey, vacating warrants to enforce the forfeiture for non-settlement, *et id genus omne*, and I could tell you of improvements and settlements with and without personal residence, abandonments, *cum animo revertendi*, and with-

out, of compromises, under the Act of 1811, and many other phases of settlement rights, but time will not permit. Added to these were the tax sales of these lands, and the infinite variety of questions arising under the statute of limitation, and the different species of title. All these, and much more than I have related, constituted a mass of regional law and a sum of litigation, of which the Chief Justice can say *Magna pars fui*. These questions still arise to some extent and are presented to our Court.

There is another branch of law of which the Chief Justice is a fit representative. It may be termed rural law, in contradistinction to those laws which regulate the affairs of cities. I refer to his knowledge of the law relating to roads, bridges, boroughs, townships, school districts, the poor, desertions, &c. Then follows his knowledge of political law—I mean political in its governmental, not its partisan sense—involving the Constitution and the institutions of the State, and its legislation. A member, early and at several times, of the Legislature, and Speaker of the House, he had large opportunities of knowledge in this department. Federal laws also came under the dominion of his acquisition, made familiar by his frequent elections to Congress. Crowning all is his knowledge of general law, the result of fifteen years' service on the Supreme Bench. Nothing has escaped his rich experience; whether it be a Philadelphia ground-rent or municipal lien, or Schuylkill county mining lease, a Venango county oil privilege, or a Western manufacturing or mining company.

From this hasty view we learn the magnitude of our loss. But though his official life is about to expire, we are not as those without hope. Though dead he yet speaketh, and his works live on. Forty-one volumes of State reports will attest his labors and rich judicial experience. These are a monument more solid than granite, more durable than brass, and more pure than the polished shaft of Italy's marble. When you and I, and all who here inhabit, shall have laid down our busy lives at death's universal call, and our bones shall

have moulded into native dust, this memorial of his labors will remain a precious legacy to his native State. Hither unborn generations will come to drink at the fountain of his lore, and learn to prize the learning, the logic, and the good sense of our venerated Chief Justice.

And now, in bidding our brother a friendly farewell, let us still hope that we who remain shall ever have his sympathy and support ; and that his spirit will yet linger among the fields of his former labors in kind and affectionate memory. *Et moriens reminiscitur Argos.*







